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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/650,083	08/28/2003	Takeshi Oohori	050374-0106	7221

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FOLEY AND LARDNER
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EXAMINER

GIBSON, ERIC M

ART UNIT PAPER NUMBER

3661

DATE MAILED: 01/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/650,083

Applicant(s)

OOHORI ET AL.

Examiner

Eric M Gibson

Art Unit

3661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. Claims 4 and 5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

a. Claim 4 recites the limitation "the first fuel reduction control" in line 3.

There is insufficient antecedent basis for this limitation in the claim.

b. Claim 5 is necessarily rejected as being dependent upon a rejected base claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Abe et al. (US005433676A).

a. Per claim 1, Abe teaches a torque control apparatus for an engine and automatic transmission that includes a detection device which detects an operating state of the transmission (column 12, lines 14-17), a torque regulating mechanism which

Art Unit: 3661

regulates a torque of the engine (column 12, lines 10-14), and a controller which functions to make a selection, based on the operating state of the transmission, between a first torque reduction control whereby the torque of the engine is reduced rapidly and temporarily, and a second torque reduction control whereby the torque of the engine is reduced continuously, and more smoothly than the first torque reduction control, and reduce the torque of the engine by the selected one of the first torque reduction control and the second torque reduction control (column 31, lines 40-59).

b. Per claims 2, 4, and 6, Abe teaches that torque reduction can be accomplished by retarding ignition timing, intake volume, or fuel cut control (column 18, lines 43-46).

c. Per claims 3 and 5, Abe teaches that the system switches to the second torque reduction control when the first torque reduction control continues for a predetermined time (column 31, lines 40-48).

d. Per claims 7 and 8, Abe teaches that the amount of torque reduction is based on the torque input to the transmission (column 28, line 65 – column 29, line 4).

e. Per claim 9, Abe teaches a torque control apparatus for an engine and automatic transmission that includes a means for detecting an operating state of the transmission (column 12, lines 14-17), means for regulating a torque of the engine (column 12, lines 10-14), and means for making a selection, based on the operating state of the transmission, between a first torque reduction control whereby the torque of the engine is reduced rapidly and temporarily, and a second torque reduction control whereby the torque of the engine is reduced continuously, and more smoothly than the

Art Unit: 3661

first torque reduction control, and reduce the torque of the engine by the selected one of the first torque reduction control and the second torque reduction control (column 31, lines 40-59).

f. Per claim 10, Abe teaches a torque control method for an engine and automatic transmission that includes detecting an operating state of the transmission (column 12, lines 14-17), regulating a torque of the engine (column 12, lines 10-14), and making a selection, based on the operating state of the transmission, between a first torque reduction control whereby the torque of the engine is reduced rapidly and temporarily, and a second torque reduction control whereby the torque of the engine is reduced continuously, and more smoothly than the first torque reduction control, and reduce the torque of the engine by the selected one of the first torque reduction control and the second torque reduction control (column 31, lines 40-59).

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kuroiwa et al. (US006014604A) teaches a powertrain control device. Kuroiwa et al. (US005826208A) teaches a powertrain control device for a vehicle using targeted torque generation for eliminating shift shock. Yoshimura et al. (US005091854A) teaches control systems for vehicle engines coupled with automatic transmissions.

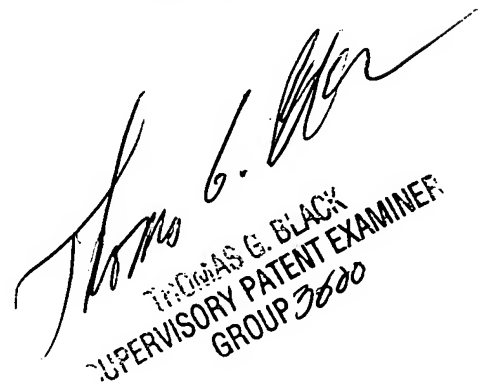
Art Unit: 3661

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric M Gibson whose telephone number is (703) 306-4545. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black can be reached on (703) 305-8233. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

EMG


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